

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**WSOU INVESTMENTS LLC D/B/A  
BRAZOS LICENSING AND  
DEVELOPMENT,**

*Plaintiff,*

**V.**

**ZTE CORPORATION, ZTE (USA) INC.  
AND ZTE (TX), INC.,**

***Defendants.***

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§ C.A. NO. 6:20-cv-00487-ADA  
§ C.A. NO. 6:20-cv-00488-ADA  
§ C.A. NO. 6:20-cv-00489-ADA  
§ C.A. NO. 6:20-cv-00490-ADA  
§ C.A. NO. 6:20-cv-00491-ADA  
§ C.A. NO. 6:20-cv-00492-ADA  
§ C.A. NO. 6:20-cv-00493-ADA  
§ C.A. NO. 6:20-cv-00494-ADA  
§ C.A. NO. 6:20-cv-00495-ADA  
§ C.A. NO. 6:20-cv-00496-ADA  
§ C.A. NO. 6:20-cv-00497-ADA  
§

## **SECOND STATUS REPORT REGARDING PENDING VENUE MOTIONS**

Pursuant to the Court’s March 23, 2021 Standing Order Regarding Motion for Inter-District Transfer (“Standing Order”), Defendants ZTE Corporation (“ZTE Corp.”), ZTE (USA) Inc. (“ZTA”), and ZTE (TX), Inc. (“ZTX”) (collectively “ZTE”) provide the following second status report regarding the pending venue-related motions with respect to the eleven separate pending suits filed by Plaintiff WSOU Investments LLC D/B/A Brazos Licensing and Development (“WSOU”):<sup>1</sup>

1. ZTE Defendants properly filed its First Status Report on April 2, 2021, (“Status Update”) pursuant to the Court’s March 23, 2021 Standing Order. *See* Dkt. 66. Then, without

<sup>1</sup>There are 11 pending cases. Citations throughout refer to new WDTX Case Nos. -00487 through -00497, and specific citations reference to the docket for WDTX Case No. -00487.

leave from the Court, WSOU improperly filed a Response to Defendants' Status Report regarding the Pending Venue Motions and April 6, 2021 ("Response").<sup>2</sup> *See* Dkt. 68.

2. In WSOU's improperly filed "Response" to Defendants' Status Update, WSOU alleges that "all third-party venue discovery is complete, other than one third party, which should be completed before the depositions of Defendants." *See* Dkt. 68, #4. This WSOU statement is incorrect, and Defendants now provide a correct update on third-party venue discovery. The third-party venue discovery is on-going because WSOU seeks discovery of third-parties due April 26, 2021—weeks after the April 14 and April 15 depositions of ZTE representatives. Thus, WSOU's sought third-party discovery remains on-going and will likely continue well after the ZTE depositions.

In conclusion, it is again noted that the *Markman* hearing for these cases is scheduled for May 20-21, 2021, which is several weeks before the conclusion of the venue discovery in the cases on June 4, 2021 (and the remaining briefing for the Second Motion to Dismiss). Thus, as outlined in the pending Motion to Stay (which is ripe for resolution), Dkt. No. 49, and in accordance with the Standing Order and Federal Circuit mandate/precedent,<sup>3</sup> Defendants again respectfully request that all issues unrelated to venue be stayed, pending the outcome of the Second Motion to Dismiss.

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<sup>2</sup> Note, the Court's March 23, 2021 Standing Order only permits updates from the party filing the venue motions (i.e. Defendants). As such, Defendants properly filed a Status Update; whereas, WSOU did not have permission nor did the Court request WSOU's "Response" briefing.

<sup>3</sup> *See In re TracFone Wireless, Inc.*, 2021-118, 2021 WL 865353 (Fed. Cir. Mar. 8, 2021) (district courts must give venue motions "top priority before resolving the substantive issues in the case"); *see also In re Apple*, 979 F.3d 1332, 1337 (Fed. Cir. 2020) (resolution of venue issues should "unquestionably take top priority" in a case); and *In re SK Hynix Inc.*, No. 2021-113, 2021 WL 321071, at \*1 (Fed. Cir. Feb. 1, 2021) (prioritization of venue considerations).

DATED: April 13, 2021

Respectfully submitted,

/s/ Lionel M. Lavenue

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on April 13, 2021.

/s/ Lionel M. Lavenue

Lionel M. Lavenue